

**HAMPTON ZONING BOARD OF ADJUSTMENT**  
**MINUTES – *Amended***  
**April 16, 2015**

**Members Present**

Bryan Provencal, Chairman  
Bill O'Brien, Vice Chairman  
Norma Collins, Clerk  
Tom McGuirk  
Ed St. Pierre

**Others Present**

Kevin Schultz, Building Inspector  
Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:05 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

**Election of Officers**

**Moved** by Mr. McGuirk, seconded by Mr. O'Brien, to appoint Bryan Provencal as Chairman of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (Provencal). Motion passed.

**Moved** by Mr. Provencal, seconded by Ms. Collins, to appoint Bill O'Brien as Vice Chairman of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

**Moved** by Mr. McGuirk, seconded by Mr. St. Pierre, to appoint Norma Collins as Clerk of the Hampton Zoning Board of Adjustment for the coming year.

**Vote:** 4 yes, 0 no, 1 abstention (Collins). Motion passed.

**PETITION SESSION**

Chairman Provencal said that Petition 11-15, 79 Ocean Blvd, had been withdrawn.

**13-15...**The petition of The Surf Condominium & Retail of Hampton, LLC for property located at 275 Ocean Blvd. seeking relief from Article 5.3.1 Table II to place a display containing a property identification sign and an integral clock at the top of the front face of the building, the combined area of which would exceed the size limits allowed for building signs in this District. This property is located on Map 282, Lot 087 and in the BS1 Zone.

Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said he did not believe people think of clocks as signs and you have to think of what is aesthetically pleasing. This sign is 60 feet off the ground and therefore becomes a lot smaller to the eye. Having a clock provides a service to the public. The clock would also serve as a reference point. Having the sign at the proposed position on the building where it would be visible to the greatest number of people, but high enough to not appear to be overbearing would be consistent with the purposes of the ordinance. Attorney Saari went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. McGuirk said the clock would contribute to public safety.

Ms. Collins asked if the sign would be illuminated at night. Attorney Saari said that it would.

Mr. O'Brien asked if there would be some landscaping. Attorney Saari said yes.

Mr. St. Pierre asked if a variance would be needed if there was no clock. Attorney Saari said a variance would not be needed in that case. Mr. St. Pierre said he liked the sign.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 13-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**14-15...**The petition of Nesky Realty Trust (Nick Birmbas) for property located at 830 Lafayette Rd. seeking relief from Article V-Signs, Section 5.4.2 a.4 for 36 SF freestanding sign with proper setback from road in front of commercial building. This property is located on Map 090, Lot 017 and in the B Zone.

Nick Birmbas, Petitioner, came forward. Mr. Birmbas said the majority of buildings in this section of Lafayette Road are commercial with a free standing sign that allows drivers to

easily identify the business. A single sign would be located in front of the two structures on this property with frontage on Route 1 which would clearly identify the retail business behind the sign. Having the sign will increase brand awareness and be consistent with other commercial structures in the neighborhood. Mr. Birmbas went through the five criteria and said he felt they had been met.

*Questions from the Board*

Ms. Collins asked about the size of the sign. Mr. Birmbas said it would be 6' X 6'.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

**Moved** by Mr. St. Pierre, seconded by Mr. McGuirk, to grant Petition 14-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**15-15...**The petition of Chuck Rage for property located at 119 Ocean Blvd. seeking relief from Article IV as to 4.5.1 to install a backlit awning with store name signage. This property is located on Map 290, Lot 022 and in the BS1 Zone.

Chuck Rage, petitioner, came forward. Mr. Rage said that instead of putting up three individual signs they are trying to make it a nice uniform front. A backlit awning will eliminate this and lighting is a safety factor. This awning will dress up the business and will attract tourists which is the intent of the Business Seasonal Zone. Mr. Rage went through the five criteria and said he felt they had been met.

*Questions from the Board*

Ms. Collins asked how far out the awning would go. Mr. Rage replied it would go out three feet.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. Schultz asked if it would be possible to put the building address on the sign. Mr. Rage agreed it could be done.

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to grant Petition 15-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**16-15...**The petition of JEJ Enterprises, LLC for property located at 871 Lafayette Rd. seeking relief from Article IV, Table II, Section 4.5.1 (front setback) to replace the existing signage which encroaches into the right of way by .5 feet with a new sign being 40 sq. ft. +/- and located 3.66 feet from the property line where ten feet is required. This property is located on Map 071, Lot 08 and in the B Zone.

Attorney John Ratigan, representing the petitioner, came forward. Attorney Ratigan said that since the existing sign partially encroaches into the right of way, the public interest is served and improved by pulling the sign back away by about 4 feet. It will not threaten the public health, safety or welfare. Attorney Ratigan went through the five criteria and said he felt they had been met.

*Questions from the Board*

Mr. O'Brien said he had no problem with the sign but had a concern about people being able to see traffic coming down the road.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. O'Brien said the plot plan might have to have some corrections.

**Moved** by Mr. McGuirk, seconded by Ms. Collins, to grant Petition 16-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**17-15...**The petition of James Siergiewicz for property located at 6 Smith Ave. seeking relief from Article IV as to 4.5.3 and Art. VIII 8.2.3 to raze and remove existing seasonal cottage and replace with a new one bedroom, one story cottage where it will not meet the rear setback or multi-family setback. This property is located on Map 152, Lot 011 and in the RB Zone.

Mr. Siergiewicz, Petitioner, came forward. He said they want to remove the deteriorating structure and replace it with a new modern structure. This would be an enhancement to the neighborhood. Mr. Siergiewicz went through the five criteria and said he felt they had been met.

*Questions from the Board*

Ms. Collins said this will be a great improvement on this property.

*Comments from the Audience*

There were no comments from the Audience.

*Back to the Board*

Mr. Schultz said he had met with the petitioner who provided more than enough information and did a good job. Mr. St. Pierre asked about fire codes. Mr. Schultz said he and the petitioner had discussed that issue.

**Moved** by Mr. McGuirk, seconded by Mr. O'Brien, to grant Petition 17-15.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

**BUSINESS SESSION**

**Approval of Minutes**

**Moved** by Mr. St. Pierre, seconded by Ms. Collins, to approve the Minutes of March 19, 2015 as amended.

**Vote:** 4 yes, 0 no, 1 abstention (O'Brien). Motion passed.

### **Rules of Procedure**

Mr. O'Brien said he had reviewed the Rules of Procedure and did not see any need for changes.

**Moved** by Mr. O'Brien, seconded by Mr. McGuirk, to approve the existing Rules of Procedure for the coming year.

**Vote:** 5 yes, 0 no. Motion passed unanimously.

Chairman Provencal said the Director of Planning is looking to have someone from the Zoning Board participate in a zoning review sub-committee for the Planning Board.

**Moved** by Mr. St. Pierre, seconded by Mr. O'Brien, to submit Mr. McGuirk's name to the Planning Board for participation in a zoning review sub-committee. Mr. St. Pierre's name will be submitted as alternate.

**Vote:** 4 yes, 0 no, 1 abstention (McGuirk). Motion passed.

### **Adjournment**

**Moved** by Mr. St. Pierre, seconded by Mr. McGuirk, to adjourn the meeting at 8:19 p.m.

Respectfully submitted,

Joan Rice  
Secretary